

**REMARKS/ARGUMENTS**

Claims 1-9 and 11-17 are present in this application.

Claim 17 was rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed.

With regard to claim 17, Applicant acknowledges his intent to invoke treatment under 35 U.S.C. §112, sixth paragraph. Although Applicant takes issue with the Office Action's contention that MPEP §2181 "requires that applicant clearly identify particular structures or steps within the disclosure as the means for or steps for that applicant intends to claim," the specific structures or steps within the disclosure were clearly identified in the Appeal Brief filed June 30, 2008. In particular, Applicant refers the Examiner to the section entitled "Specific Support for Independent Claims" (see the paragraph bridging pages 11 and 12 and page 12 of the Appeal Brief). Applicant respectfully submits that those of ordinary skill in the art would readily appreciate the subject matter that Applicant regards as the invention, and Applicant thus submits that claim 17 satisfies the requirements of 35 U.S.C. §112, second paragraph.

Withdrawal of the rejection is requested.

Claims 1, 6-9, 11, 14 and 15 were rejected under 35 U.S.C. §101 as drawn to non-statutory subject matter. This rejection is respectfully traversed.

The Office Action contends that the claims recite a process "directed to purely mental steps." Applicant respectfully disagrees with this contention. In claim 1, step (a) recites the step of the transferor accessing the depository administrator via a global network. It is not readily apparent how such access via a global network can be considered a "purely mental" step. Additionally, step (b) defines the transferor requesting a transfer or hold of funds in the transferor deposit sub-account to or for the benefit of the transferee. It is also not readily

apparent how such a request can be considered a “purely mental” step. Steps (c) and (d) similarly define physical actions that could not possibly be performed mentally. Applicant thus respectfully submits that the rejection is misplaced.

Despite Applicant’s disagreement with the rejection, if the Examiner is not persuaded by Applicant’s remarks, Applicant would agree to amend claim 1, step (a) to define a step of “the transferor accessing the depository administrator via a global computer network,” or alternatively “. . . via a global network using a computer.”

Withdrawal of the rejection is respectfully requested.

Claims 1-9 and 11-17 were rejected under 35 U.S.C. §103(a) over U.S. Published Patent Application No. 2002/0026396 to Dent in view of U.S. Published Patent Application No. 2001/0034676 to Vasic. This rejection is respectfully traversed.

Claim 1 defines a method of processing funds between a transferor and a transferee. At least the transferor has a transferor deposit sub-account administered by a depository administrator. The depository administrator maintains a master account at a financial institution. The transferor accesses the depository administrator and requests a transfer or hold of funds in the deposit sub-account to or for the benefit of the transferee. The depository administrator processes the funds between the transferor deposit sub-account and a transferee deposit sub-account, wherein each of the sub-accounts forms part of the master account such that a transfer of funds between sub-accounts does not affect a balance in the master account. As such, the depository administrator is capable of administering an entirely independent system under a single master account at a financial institution while benefiting from the convenience and protection offered by the financial institution.

The Office Action recognizes that Dent lacks at least the claimed sub-accounts that form part of the master account. In this context, however, the Office Action contends that Vasic discloses such subject matter and that it would have been obvious to incorporate such sub-accounts into the system disclosed in Dent in view of the Vasic publication. Applicant respectfully submits, however, that this conclusion is misplaced.

The Vasic publication describes a method for allowing employees to receive payroll and to access payroll on demand, possibly in advance. In particular, the system enables a third party to receive a request from an employee for payroll access, forwards the requested funds to the employee on demand, and deducts the forwarded funds from the employee's payroll check. In paragraphs [0026] and [0056], Vasic references a master account as a principal payroll access resource and describes a secondary payroll access resource as a sub-account of the master account. In this context, Vasic contemplates that the payroll access company can keep a large master account with funds sufficient to cover payroll access for numerous employees and have separate "sub accounts" for individual employees that remain empty and inactive until an employee requests access. In this context, however, Vasic only describes transfers of funds from the master account into a sub-account from which an employee draws forwarded wages. Vasic does not in any manner contemplate or suggest that employees can transfer funds to each other between the sub-accounts. Vasic additionally describes that the sub-account "actually has no funds until the sub-account is activated by using the [ATM] card and the funds are automatically transferred from the master account or alternatively transferred or wired with associated fees." See paragraph [0056]. That is, funds are never transferred between sub-accounts, but rather are only transferred from the employer's master account administered by the payroll service to the sub-account accessible by the employee. Reference to "transferring funds" in paragraph [0063]

similarly merely refers to transferring funds from the employer's master account to a sub-account accessible by an employee.

Applicant thus respectfully submits that the Vasic publication similarly lacks the sub-account features of the invention, particularly relating to transferring funds between sub-accounts. As a consequence, Applicant submits that Dent in view of Vasic falls short of the claimed invention and that the rejection of independent claim 1 is misplaced.

With regard to dependent claims 2-9 and 11-15, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim. Moreover, claim 6 recites that step (d) is practiced by holding the funds in the transferor deposit sub-account until receiving confirmation that an event has occurred. In contrast with the claimed "hold" feature, Dent merely describes an authorization button to authorize a particular transaction. Indeed, Dent is silent with regard to any such holding feature. As would be apparent to those of ordinary skill in the art, "held" funds are significantly distinguishable from funds not yet transferred. Claims 7-9 further define this feature. These additional definitions are similarly distinguishable from merely selecting an authorization button.

Independent claim 16 defines a computer system for processing funds between a transferor and a transferee. A system server processes funds between a transferor deposit sub-account and a transferee deposit sub-account, each of which forms part of a master account such that the transfer of funds between the sub-accounts does not affect a balance in the master account. As discussed above, Vasic lacks any disclosure or suggestion of transferring funds between sub-accounts, but rather merely discloses only a transfer of funds from an employer's master account to an employee's sub-account. As a consequence, Vasic is not relevant to the

claimed invention. For reasons similar to those discussed above with regard to claim 1, Applicant submits that the rejection of claim 16 is also misplaced.

Claim 17 defines a computer program embodied on a computer-readable medium for processing funds between a transferor and a transferee. Claim 17 defines "means for" carrying out the method of claim 1, and Applicant submits that claim 17 is allowable for reasons similar to those discussed above with regard to claim 1.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:           /Alan M. Kagen/            
                                Alan M. Kagen  
                                Reg. No. 36,178

AMK:jl  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100